REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action dated November 21, 2002 are respectfully requested. Claims 1-22 are currently pending in this application.

The Title

The title has been amended at the initiative of the Applicant to better conform with the current claims of the application.

The Rejections

Claims 1 and 15 were rejected under 35 U.S.C. §112, ¶2, as being indefinite. Claims 1-22 were rejected under 35 U.S.C. §102(b) as being anticipated by Suarez et al, U.S. Patent No. 5,790,789 (hereafter "Suarez") and additionally under 35 U.S.C. §102(e) as being anticipated by Skladman et al, U.S. Patent No. 6,400,810 (hereafter "Skladman"). For the reasons set forth below, Applicant respectfully traverses these rejections and respectfully requests their withdrawal.

Rejections under 35 U.S.C. 112, ¶2

Applicant respectfully traverses the rejections of claims 1 and 15 under 35 U.S.C. §112, ¶2 as being indefinite. Applicant has amended the claims solely to expedite the prosecution of this application, and not by way of any form of estoppel. Applicant respectfully requests that the rejections of claims 1 and 15 be withdrawn.

The Cited Art

Suarez teaches a distributed computing system including a number of computer hosts, a communication network for exchanging information and data between the computer hosts, and a

number of services, including software-based services, distributed throughout the computing system is disclosed. Each of the services within the distributed computing system, including some basic system-services, are adapted to perform prescribed functions in response to the receipt of an electronic message. The distributed computing system further includes a number of "intelligent agents" executing on the computer hosts and associated with one or more of the services, wherein an agent exercises control of an associated service by manipulating the electronic messages directed to and originating from the associated service. In addition, the services are adapted to cooperatively perform various tasks by exchanging electronic messages across the communication network via their associated agents.

Skladman teaches a messaging system for notifying subscribers of incoming e-mail messages. The system includes an e-mail system communicating with a notification system. The e-mail system includes a user interface that permits subscribers to populate filter lists with e-mail message attributes, such as sender e-mail addresses. The filter list is provided to the notification system, which selectively notifies subscribers of incoming e-mail messages based on the contents of their respective filter lists. The notification system can alert subscribers to incoming e-mail messages by pager, facsimile, voice mail, synthetic speech via cellular or conventional telephones, or the like.

The Cited Art Distinguished

Suarez teaches a system and method that is fundamentally different from that claimed by Applicant. Applicant teaches an automatically self-executing application program that is associated with and activated by the selection of an electronic message that was sent over a network. Suarez, in marked contrast, barely mentions e-mail, and then only peripherally with respect to the transmission of data over a network between, for example, "agents." For example, Suarez does not discuss e-mails with executable payloads, nor does Suarez teach the sending of software code (such as a Java® applet link) embedded in an e-mail message. Suarez's invention is directed to the use of "intelligent" agents, which are software programs which remain fixed with their host computers and are not transmitted over the network. Applicant's claims are clearly not anticipated nor obvious in view of Suarez and, as such, Applicant respectfully requests that the rejection of claims 1-22 in view of Suarez be withdrawn.

Applicant notes that Skladman is a reference only under 35 U.S.C. §102(e). Applicant reserves the right to swear behind Skladman, but does not believe that it is necessary to do so, as Skladman teaches methods and systems that are far different from those that are disclosed and claimed by Applicant. Applicant teaches an automatically self-executing application program that is associated with and activated by the selection of an electronic message that was sent over a network. Skladman teaches a notification system which notifies subscribers of incoming e-mail messages by various communication media such as pagers, voice mail, telephone, faxes, etc. Skladman does not discuss e-mails with executable payloads, nor does Skladman teach the sending of software code (such as a Java® applet or link thereto) embedded in an e-mail message. Applicant's claims are clearly not anticipated nor obvious in view of Skladman and, as such, Applicant respectfully requests that the rejection of claims 1-22 in view of Skladman be withdrawn.

Conclusion

In view of the foregoing, the applicant submits that the claims pending in the application are both definite and patentably define over the art of record. A Notice of Allowance is therefore respectfully requested.

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 838-4443.

Respectfully submitted,
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